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COLONEL ELIAS BOUDINOT IN NEW YORK CITY,
FEBRUARY, 1778.

CONTRIBUTED BY HELEN JORDAN.

[The following interesting journal was kept by Colonel Elias Boudinot, Commissary-General of Prisoners, while sojourning in the city of New York, in February of 1778, looking after the welfare of the American prisoners and arranging exchanges. The original manuscript is among the Boudinot Papers of the Historical Society of Pennsylvania.—ED. PENNA. MAG.]

Tuesday 3^d Feby. 1778.—Arrived at sundown & sent a Sergeant to Gen. Robinson,¹ who sent him back with a demand of my Commission and business. He sent a Sergeant to conduct me to Mr. Loring's:² was rec'd very politely & waited on to Gen. Robinson's, who behaved with great kindness & invited me to Breakfast next morning. Sent for Lord D³ [rummond]. Gen. R. and Mr. Loring assured me that they wished every indulgence to Prisoners, that could consistently be granted. Was told I might Lodge where most convenient,—went to Mr. P [intard's?]. Gen. [Charles] Lee came in & denied having wrote but once to Col. Seely about Mrs. B [attier?] & had received no answer.

Feby 4th.—Breakfasted with Gen. Robinson, who appeared candid & polite. Mr. Loring met me here. See a Mr. Webb,⁴ who came from Connecticut as a flag from Gov. Trumbull for the exchange of Prisoners, & brought some with him. I was much surprised at this measure &

¹ Perhaps it is unnecessary to call attention to the error in spelling the name of the British general in command of the city of New York, which occurs throughout the journal of Colonel Boudinot, but for "Robinson" read Robertson (Major-General James Robertson).

² Joshua Loring, the British Commissary of Prisoners.

³ Lord Drummond, son of the Earl of Perth, who was in America looking after his father's interests. After the peace Colonel Boudinot was the attorney of the family.

⁴ Joseph Webb, brother of Colonel Samuel B. Webb, of the Connecticut Continental Line.

opposed it. Arranged to exchange on Parole, Col. Lawrence for Col. Holden and Col. DeLancey for Col. Swoop.¹ Went to two Hospitals & Sugar House, found everything as decent as could be expected. Mr. Loring mentioned Campbell & Haring breaking their Paroles. 191 Prisoners in Sugar House; in two Hospitals 102 & 109. Prisoners receive $\frac{3}{4}$ d allowance—£1 from Mr. P[intard] twice a week. See Mr. [Andrew] Elliott, Mr. Chief Justice [Smith], Mr. Kemp.² Waited on Mr. Fell³ at his lodgings & promised to hear his story when Mr. Loring could attend.

Febry 5.—Waited on Mr. Loring and went to Gen. Robinson, from thence to the Provost. See Col. [Ethan] Allen, Major Payne,⁴ Capt. Flahaven,⁵ Mr. Van Zant.⁶ Col.

¹ Colonel Michael Swope, of the York County, Pennsylvania, Associates, captured at Fort Washington November 16, 1776, and not exchanged until January 26, 1781.

² John Taber Kempe, Attorney-General of New York.

³ Judge John Fell, of New Jersey, "the great Tory hunter," who was captured near Tappan in April of 1777. Colonel Boudinot, in his "Observations relating to the prisoners confined in the Provost," states, "Judge Fell was refused a Doctor or Medicine when sick," and furthermore, "the officers make great complaints of the cruelty of the sergeant in locking them up on the most trifling occasion in the Dungeon, where some of them have been for several weeks; one in particular with a wound in the leg, which he never could get dressed."

⁴ "Major B. Payne was accused of killing Capt. Campbell at the time of his capture, and with having no commission. . . . Major Payne solemnly denies the charge, and states that he did not hear of his death until after he had been taken prisoner. He has acted under a commission and his rank has always been acknowledged by the American army."—*Boudinot's Observations, etc.*

⁵ Captain John Flahaven, of Colonel Ogden's New Jersey regiment, captured at Amboy April 20, 1777. "The charge against Capt. Flahaven, that he broke the thigh of a soldier with the butt of a gun, after he was shot, is positively denied by him, and Dr Loring acknowledged the man's leg was broken by a ball. . . . Capt. Flahaven was surrounded and did not surrender, and was constantly fighting for fifteen minutes after the soldier was struck by the ball."—*Boudinot's Observations, etc.*

⁶ Wynant Van Zant, "a volunteer in active service, accused of robbing Mr. Wallace and firing on the Asia. . . . denies the whole charge

Allen is confined for going to New York contrary to his Parole, which he acknowledges, but that it was done by others & he returned again three weeks before he was confined; Major Payne for want of Commission & killing Mr. Campbell, which he positively denies; Capt. Flahaven for breaking a man's thigh after taking him; this he denies and says there is no proof against him; Mr. Van Zant, a volunteer, and confined for formerly taking Mr. Wallace's plate. They acknowledge they receive proper Provision but, complain of close confinement & harsh Treatment. Went to Commissioner's Stores & see the Provisions dealt out and got acc^t of rations—the Pork good, Biscuit rather musty. Went to Sugar House¹ & see the Provisions divided, & called up Prisoners & examined them about complaint against the Sergeant, sent me in writing. They all denied it with great resentment & threatened vengeance on the author if he could be found. I am very suspicious that the greater part of these fellows are great Villians and rob each other. Ordered them a gill of rum a man.

Mr. Loring informed me that Mr. W[ebb] came to exchange Prisoners & would take off all from Connecticut; that Col. Lawrence was to be exchanged for Col. Holden; Col. DeLancey for Col. Ely² and 13 soldiers brought in for so many taken lately in the Sound. All this I objected to. Agreed to let Col. Lawrence go on Parole for Col. Holden, and also Col. DeLancey for Col. Magaw,³ & directed 13 soldiers longest in captivity to be discharged for those sent in.

by insisting that he never did anything of the kind, but by express orders of his superior officer, for which he cannot be held accountable.”—*Boudinot's Observations, etc.*

¹ The troops captured at Fort Montgomery were confined in the Sugar House prison, and not allowed to have victuals or drink for two days and two nights, and sixty of them were forced to enlist in the British service to save their lives.

² Colonel John Ely, of the Connecticut militia; he was not finally exchanged until December 5, 1780.

³ Colonel Robert Magaw, of the Fifth Pennsylvania Battalion, captured at Fort Washington, and finally exchanged October 25, 1780.

Mr. Loring promises if Col. DeLancey is let out for a Lieut. Col., he will accept of a Lieut. Col. for a Col. Have desired that no Exchange may take place but according to order, unless special reason. Must send receipt for 13 maimed Prisoners to get 13 of ours. Ordered soap to be sent to Sugar House; paid Mr. Canfield¹ a little bag of money sent from Nash. Visited Mr. Fell at his lodging; he is sickly & begs for his Parole being enlarged.

Febry 6.—Waited on Mr. Loring & went to the Provost, visited the rest of the Prisoners. It is acknowledged by Dr. Loring that the man's leg charged to be broke by Capt. Flahaven with the butt of a Musket, was broke by a Ball. We found Capt. Van Dyke confined on suspicion of aiding & abetting the setting fire to the Town.² It is agreed that he was secreted in a House & found four days before it & confined in the Provost, but it is asserted that sometime before we evacuated the Town, he said he would burn it—this he denies. Capt. Bissel is confined for going 2½ miles out of his Bounds to court a woman he afterwards married.³ Capt. Randall for not having a Commission with him & therefore treated as a Robber.⁴ Capt. Smock & Whit-

¹ Thomas Canfield, a commissioner for selling Tory property, in Essex County, New Jersey. "His office has been mistaken. The property of people who had taken part against us, was in many instances left without an owner. Proper persons in every county were then authorized to take possession of all said property, to sell what was perishable, and were thereafter to be responsible for the proceeds. Mr. Canfield is known to Mr. Boudinot to be a simple, honest man, of good character."—*Boudinot's Observations, etc.*

² "Capt. Van Dyke denies having ever said anything on this head. That when the city was taken, his retreat was cut off; he sought refuge in a house, and was employed by the women of it; and that he sent word to Col. Brewerton to come and take him. His confinement has been close and severe, and he is now entitled to his exchange according to the time of his capture."—*Boudinot's Observations, etc.*

³ "The charge is rather hard, as it is confirmed to the contrary—he courted his wife near the bounds of his parole."—*Boudinot's Observations, etc.*

⁴ Captain Nathaniel Randall, captured at Woodbridge, was not then in the service or on command.

lock¹ for taking arms after the Oath of Allegiance. Capt. Traverse of Navy for a suspicion of having wrote a letter by a Deserter out of the Sugar House, who charged him with it, but now denies it. Lieut. Mercer,² not known for what; Lieut. Skinner for taking up Wallace & others.³ Lieut. Sitcher sent there for a night & forgot.⁴ Lieut. Foster⁵ no Commission. Capt Nathaniel Van Zant for stealing spoons—he says he can produce the man he bought them of. Capt. John Chatason of a Merchant ship. Dr. Minime for going from his parole & speaking against the Government. I found the Prisoners here tolerably comfortable as to provisions, but they are sickly & complain of the stench of the air arising from the close rooms and numbers imprisoned; also that they have been formerly cruelly treated by the Sergeant, put into the Dungeon for the most trifling things, such as insisting on more water than usual in hot weather. That many of them have laid 10–12 & 14 weeks in the Dungeon without any aid or assistance, particularly Sichem who was wounded in the Thigh & left to cure himself in the Dungeon. I had the Sergeant before the Prisoners who accused him with the Treatment, which he acknowledged,

¹ “Capt. Smock and Whitlock acknowledge the fact, and declare faithful adherence to their oaths as long as they were protected, but when the British army left the Jerseys, they took the benefit of Gen. Washington’s proclamation.”—*Boudinot’s Observations, etc.* These officers belonged to the First New Jersey Militia, and were captured at the Light House, February 13, 1777.

² Lieutenant John Mercer, of New Jersey, captured near Bound Brook, March 7, 1777. “He is charged with speaking contrary to his parole. This is denied, but as he has suffered long, it is hardly worth while to examine particulars.”—*Boudinot’s Observations, etc.*

³ “Lieut. Skinner knows of no accusations against him, and has long been confined without any being suggested.”—*Boudinot’s Observations, etc.*

⁴ Lieutenant William Sitcher, of Spencer’s New Jersey Continental Line.

⁵ “Lieut. Foster had no commission with him, and is charged with oppressing the friends of the Government. He claims that being an officer of that rank, like charges might be brought against every lieutenant of Col. Spencer’s regiment.”—*Boudinot’s Observations, etc.*

alleging Provocation. Mr. Loring offered to have him tried by a Court Martial if it was thought necessary. There was also in the Provost a number of Inhabitants, Committee Men & others, all of whom suffer exceedingly & beg for relief or they must perish.

Called on Gen. Lee & Col. Butler; promised Major Griffith Williams¹ to get him permission for going to Canada via the Lakes. Called on Mr. Sherbrook.² Dined with Mr. Loring in company of Gen. Robinson, Capt. Murray³ & Major Weems⁴ his Aids, Lord D[rummond] & Mr. Webb &c., treated with great civility & candor. In evening see Com. Hotham, Lord Rodan [Rawdon] & others.

Dr. Mallet⁵ informs me that he has received accounts from Albany that his Deputy there, is obliged to find everything for the Hospital or to pay the Cash for it immediately, which he complains of as a great hardship.

Went to see Lady Mary Watt,⁶ Mrs. Maturin⁷ and others.

Febry 7.—Waited on Gen. Robinson with Mr. Loring & related what we had done, expressing my satisfaction with all but the Provost. The General declared himself ready to do every reasonable thing to soften the rigors of War; that he never should make Prisoners of peaceable Inhabitants & therefore did not understand what exchange could be ad-

¹ Major Griffith Williams, of the Royal Artillery, captured with Burgoyne's army at Stillwater.

² Miles Sherbrooke, merchant. Colonel Samuel B. Webb, of the Connecticut Line, was a guest at his house during his captivity.

³ Captain Murray was the secretary of General Robertson. He was a son of the Pretender's secretary in the rebellion of 1745.

"N. YORK 20th Febr 78.

"Capt. Murray presents his Comp^{ts} to Mr Pintard & informs him that every paper relative to the Prisoners should be sent to Mr Loring who will present it to the General."

MS. Boudinot Papers, H. S. P.

⁴ Major James Wemys, of the Fortieth Regiment of Foot.

⁵ Dr. Jonathan Mallet, chief surgeon and purveyor to the hospitals.

⁶ Wife of Robert Watts, and daughter of General Lord Stirling.

⁷ Mary Livingston Maturin, a sister of Colonel Livingston, of the Continental army.

mitted of Citizens. I represented that many of the Prisoners in the Provost were confined as they alledge on unjust Charges, many on Charges of facts done by order of proper authority & others as officers of Justice. He agreed that I should reduce the matter to writing & give it to him this evening.¹ I mentioned the propriety of my formal application to Gen. Clinton for Gen. Lee's Parole. He alledged no necessity, for the answer I would receive would be, that he had not received any Instructions on this head from Gen. Howe. Consented to Mr. Webb's sending out a private asked by Mr. Loring, for one he takes out. I asked of Gen. Robinson, Mr. Fell being admitted to the Liberty of the Town, he agreed, on the Doctor's certificate of the necessity. Promised Dr. Mallet to let Dr. Minime have what he wants on his Acct. Dined with Gen. Lee & then waited on Gen. Robinson. I found him alone & had a long chat on American subjects. He alledges that no sensible man in England thinks it right to tax us; all wish reconciliation, & that a man would make his Country happy to bring it about &c. Mr. Loring & Lord Drummond came in & supped with us. Gen. Robinson proposed the subject of Prisoners; thinks 1700 ought to be sent in, being admitted to their Paroles, at the request of our officers, and therefore at our risque. He thinks it right if we find all our & their Prisoners with Provisions, they should find us with Clothing;

¹ Agreeably to the suggestion of General Robertson, Colonel Boudinot prepared a report of his investigations at the Provost, the rough draft of which is among the Boudinot Papers of the Historical Society of Pennsylvania. The preamble of the report reads: "Mr. Boudinot having visited the Provost in the city of New York by permission of Gen. Robinson & finding the following American Prisoners confined there (some of them many months) on the several charges under-mentioned as they alledge, begs leave to suggest a few *Observations* on each of them in hopes that some general line of conduct may be humanely agreed upon mutually to soften the unnecessary severities of captivity." Then follow the names of the officers, with observations on the charges against them, much of which has been used in annotating the text of the journal.

consents to pay all arrears of their officers, provided we paid the whole Board on Long Island. I gave him my Observations on the Prisoners in the Provost—he promises to remedy every thing he conveniently can.

Febry 8.—Went with Mr. Loring to Long Island & visited our Prisoners. They received me with great Joy. Found them very comfortably situated. Col. Atlee¹ & Magaw informed me of their request to Gen. Howe for the release of the sick Prisoners, but that it was first asked by Mr. Loring, but that they thought it the best thing that could possibly be done, and now wish that some generous compensation could be given to settle the matter. They complain heavily of partial Exchanges. Col. Ely was sent for last night after dark, unknown to Mr. Loring or myself. Promised Col. Antile [Antill] to forward his Chest. See Mr. D[avid] Clarkson, must remember [torn]. Was sorry to find many of the officers had been very extravagant in their Clothes, getting Laces &c., by which their Accounts are raised and I much perplexed.

Febry 9th.—Waited on Mr. Loring & with him on Commodore Hotham, to whom I represented the state of Sea Prisoners, & that Mr. Pintard was refused permission to clothe or send them additional Provisions. He informed me that all the Prisoners were kept on board Prison Ships; that they received the King's allowance $\frac{3}{4}$ d rations; that he could not know Mr. Pintard or any other person not of his appointment. That if anything was sent from us to his Commissary, they should be distributed, but not by Mr. Pintard. But that he could not admit of the distribution of clothes purchased here, without Gen. Howe's orders. I proposed the case of Capt. Flynn,² & offered him in Exchange for Capt. Traverse. He said he being only Captain of a Paquet, Lord Howe would not exchange him for more than a Merchantman,

¹ Colonel Samuel J. Atlee, of the Pennsylvania Musketry Battalion, captured at the battle of Long Island, and exchanged August 6, 1778.

² Captain Flynn was British "Superintendent of Crafts &c" for the city of New York.

and that as Capt. Judd was going home with him as a Passenger for his Health, he could not be considered as a Military man. I then applied to him for the enlargement of Capt. Traverse & others in the Provost. He insisted that no Sea Officers could be admitted to their Parole, as they had no place to keep them but on board of Vessels. At last in Consideration of Capt. Traverse & the others being confined so long on Land, he consented to their Parole on Long Island. He also consented to Mr. Pintard sending some Beef on board.

Entered into several Exchanges with Mr. Loring, as per list. Get liberty from Mr. Loring for Capt. Boyle's going home with me, and Capt. Bissel & Lieut. Sitcher to go on Parole on Long Island. I visited Mr. Fell & got a Certificate of his want of health from which it became necessary to have the liberty of the City.

Visited Chief Justice Smith, who expressed his pleasure at hearing that my conduct since I had been in Town, had been greatly approved. Gen. Lee came in the evening. Mr. Loring proposes to be charged with French officers & to write to Canada for their rank.

Febry 10th.—Spent the morning with Gen. Robinson on the subject of my Observations and on the whole he submitted to my reasoning, except the case of Capt Van Dyke, who he said could not be liberated without Gen. Howe, there being full evidence of his being concerned in burning the Town. Ethan Allen who having once behaved unworthy of his character could not again be trusted, and the People were violent; as to the rest, he believed might be enlarged, unless N. Van Zant who is accused of stealing. See Lord Drummond & conversed on subject of Gen. Washington.

Febry 11th.—Waited on Mr. Loring and exchanged several Prisoners. Went to Gen Robinson, who gave me answers to my Observations as per list. Obtained the discharge of Major Payne, Capt. Flahaven, Capt. Bissel & many others from the Provost; obtained John Fell enlargement &c. Promised to send to Boston for mate & midshipmen of Capt.

[torn]. The Officers admitted to Parole are Major B. Payne, Capt Flahaven, Capt Bissel (exchg'd), Capt. N. Fitz Randolph,¹ Lieut. Mercer, Lieut. Sitcher, Foster, A. Q. M., N. Kelly,² Ensign John Okely, Surgeon Van Zant, a volunteer (exchg'd), Mr Kennedy, a volunteer [no charge]. The answer to Col. Ethan Allen was, that having broke his Parole he was not entitled to, the General could not think of letting out a man so disagreeable to the People, without Gen. Howe's orders. To Capt Van Dyke, that being fully convinced that he had planned and encouraged the burning of the Town, altho' he was taken up previously to it, yet being found secreted in a house for that purpose, he could not admit of his enlargement, lest the remainder of the Town should be endangered. To Capt Van Zant, the General will enquire into the charge. To Capt Smock & Whitlock, that having broke their faith three times, not to be trusted. To Lieut Skinner, that the people look upon him so bad a man, that he is not to be trusted, the Towns people would murder him. Canfield and other Committeemen, cannot discharge them without Gen. Howe.³

Made application for Lieut. Skinner & Dr Minime, Smock

¹ Captain N. Fitz Randolph, confined for want of a commission. "At the time of Capt. Randolph's capture commissions were not granted to militia officers, but only certificates of their election. He has always been acknowledged of that rank since his captivity."—*Boudinot's Observations, etc.*

² Assistant Quartermaster Kelly had no commission with him.

³ With regard to "Committee men," Colonel Boudinot winds up his report to General Robertson as follows: "These are obnoxious from their offices. It is rather hard that a man duly appointed to a Civil office should be punished so severely, for the proper excuse of it is that every man must support some Government. A Committee man is different from what it formerly was, it being now in the nature of an overseer. If public officers in the Civil department, on both sides of the question, are all to be made close prisoners, without redemption, it will rather annihilate all Government whatever, and the jails everywhere must be filled with unhappy men. I cannot understand why a Civil officer should be more obnoxious than a military officer, if both keep within the line of their duty."

and Whitlock. Gen. Robinson objects to Skinner, that he has tried to get out and bribe the sentinel. That Dr. Minime has broke his Parole by coming to New York and rebelling to make an Insurrection—Minime denies it all. Gen Lee mentions the [torn] mode of shoemaking.

Febry 12th.—Bad weather.

Febry 13th.—Went again about Skinner &c. Gen Robinson still objects and cannot consent to their enlargement, on which I left him know that Van Boskirk and others were in the like situation, which he said he could not help. I immediately went to Mr. Loring and objected to the exchange of Van Boskirk, which had been proposed by Sir H. Clinton.

Took Parole of officers from Boston on new agreement.

Febry 14th.—Breakfasted with Mr. Loring, and he informed me of letters being received from Gen. Howe. Took Hugh Campbell's Parole and discharged him from one given to Council. Exchanged two officers. Went to Gen. Robinson who informed me of letters from Gen. Howe, show them and objected to impropriety of preventing their purchasing provisions. I stated the question and he assented to propriety of a mutual Barter, but said those things should be settled by the two Generals. He was afraid matters would be perplexed at one place while we settled them at another. I promised him that all would be well if a mutual interchange of these civilities were admitted. He alledged the rectitude of supplying our Prisoners with bare necessities to make them comfortable, but not to fit them for a campaign. I again pressed him on the subject of the Prisoners in the Provost, but he did not think it right in him to agree to their discharge—assured me that at any time he would do every civil thing to oblige me and offered me any assistance to forward me home. He mentioned the Board of the Officers agree and I assured him of my paying it with the deduction of our charge with their officers.

Went again to Mr. Loring and settled Exchange again and received copy. Left with him a copy of officers appearing to be due on my Books and desired him to furnish

the Canada prisoners out of them. Promised to send his Brother in as soon as possible. He waited with me on the Commissary of Sea Prisoners, Mr. [Titus] Levy, who consented to let Provisions go aboard, but informed me that the Commodore would not consent to an exchange of Capt. Manley for Capt. Furnum or Capt. Traverse for Capt. Flynn. The Commodore agreed to the enlargement of Capt. Traverse, Capt. Chetham, Lieut Kempt, and Master Baret. Gen. Robinson also agreed to it. The Commissary of Sea Prisoners promises to send me return of them, and also to exchange merchant captains and sailors as fast as we can send them in. I offered Capt. Zoodnet for Capt. Traverse, but was refused.

Gen. Robinson informed me that Gen. Howe had sent orders to send Gen. Lee by first man of war to Philadelphia, that he might take his Parole. I objected to this Sea passage, but he alledged the General's order—proposed writing to Gen. Howe by me.

See Gen. Lee, Lord Drummond and others. Promised Lord D. to pay bill. In the evening sent to Mr. Loring for Capt. Traverse's discharge; received answer some difficulties prevented and believed it would not be done. Mr. French and Mr. Miller called.

This morning met Mr. Troup at Gen. Robinson before Mr. Loring who acknowledged what I had said, but ascertained his narrative did not amount to what I supposed—of dead in one Hospital 120 from November 2d.

Febry 15th.—Waited on Mr. Loring and got returns. He promises officers names by first opportunity. Got Rev. Mr. [Robert?] Keith on parole. Went to Gen. Robinson, who informed me he was writing to Gen. Clinton his opinion on Gen. Howe's letters. He was convinced Gen. Howe was wrong in his supposition of Gen. Washington's order extending East of Pennsylvania. He wrote his letter to Gen. Clinton while I was by and read each sentence as it was wrote. He supposes the whole a mistake and that matters may be easily settled if rightly understood. Thinks if necessary clothing

only is only purchased by us, it is but reasonable Barter especially if the Blankets are not taken away but left with American agent. He supposes it possible Gen. Howe may permit the scheme, but thinks it highly improbable if rightly understood. He proposed a matter relative to the Board, and I repeated what I had often mentioned before, that all the Board since they left the Prison Ships, I looked upon myself bound to pay, but before that time, it must be settled mutually. After the General had finished his letter, I proposed stating the facts in my own way, that no mistake might be occasioned and that Gen. Washington might have a copy to know what I have done. I immediately went home and when finished sent it to the General. Waited on the Commodore and again solicited the enlargement of Capt. Traverse and several other Sea Officers from the Provost, which I at last accomplished and agreed to the exchange of a midshipman and 9 seamen from Monmouth, belonging to the Mermaid. Obtained permission to see Capt. Manley on board the Preston, man of war. Went on board & see him. He appears dejected and longs for an Exchange. He is kept close, except walking the Quarter Deck at times. See Gen. Lee who proposes writing to Gen. Howe and Washington.

Promised Mr. Loring to send evidence of the man who killed J. Richards, being a soldier and on duty. J. Troup to be charged. See Lord Drummond who gave me state of facts which I am to copy.

Febry 16th.—Waited again on Gen. Robinson who called me into his chamber and informed me that he had some business of importance with me. That Mr. Wallace and others had been to Sir H. Clinton, and objected to Mr. Van Zant's exchange, he having been guilty of stealing Mr. Wallace's plate, and that he had no other security for it, than keeping him a Prisoner. He said he could wish to have this matter settled, if I would send in the Plate, then he could be sent out, and in the mean time he should be on parole. In answer I informed him, that Mr. Wallace had been a prisoner, was admitted to his Parole in a generous

manner, and had refused to keep it or being summoned. That previous to this an order was given to send the Plate, but on the breach of his Parole, it was countermanded. That what Mr. Van Zant did was by orders from his commanding officer, he being a volunteer. That I considered him as regularly exchanged by a proper officer, and if private people were allowed to intervene or their clamours attended to, we would do the same, and then there would be no end to it. That I could not undertake that the Plate would be returned unless Mr. Wallace returned to his Parole. That I know no crime in taking goods according to orders, and that I did not desire Mr. Van Zant should be admitted to his Parole, as I knew he would be immediately locked up again, as he would speak his mind to any man living. That I insisted on his exchange. Gen. Robinson told me that he thought the taking of the King's goods a much higher crime (if any) than taking Mr. Wallace's. He told me he would send for Mr. Wallace.

I again called on him, when he gave up the point, but told me as a friend he would beg the favour of returning the Plate and absolving Mr. Wallace from his Parole, he would in some way or other discharge Mr. Fell. I answered that I could only represent the matter and let him know the issue. He politely offered me Sea stores and gave me a special Passport at my desire.

I waited on the Commodore and exchanged Capt. Traverse, two Prize Masters and 9 seamen for 2 midshipmen and 9 sailors of the Mermaid, to be sent in, and a promise in writing to send in Capt. Goodrich to Philadelphia. See Gen. Lee who presses an answer from Gen. Washington and Gen. Howe. Set off for home in company with the officers and privates exchanged and on Parole. By means of the ice, obliged to remain at Boskirk's Point all night.

Febry 17th.—Set off up the Kills, and after beating some time, with the wind boisterous and ahead, and after loosing an anchor and cable with the ice, returned back to our last lodging. Gen. Campbell sent us a Passport to go on.